

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF AN	:	
APPLICATION FOR AN ORDER TO	:	
MANDATE THAT	:	
	:	
KATHRYN ORTH,	:	Final Order
UNLICENSED	:	
	:	
CEASE AND DESIST FROM THE	:	
PRACTICE OF DENTAL HYGIENE	:	
IN THE STATE OF NEW JERSEY.	:	

On August 18, 2010 the Attorney General (by Deputy Attorney William Volonte) filed an Administrative Complaint and Notice of Hearing, regarding the activities of Kathryn Orth (" Ms. Orth" or "respondent"), a person who is not licensed by the State Board of Dentistry ("Board"). The Complaint alleged that Ms. Orth had repeatedly held herself out as a licensed dental hygienist and had attempted to gain employment in dental offices. As respondent had not filed an answer to the complaint within the time prescribed in the Notice of Filing, Deputy Attorney General Volonte moved for entry of a default. That motion was considered by the Board on March 16, 2011. The Board entered an Order of Default on April 20, 2011 and directed that a proof hearing on the complaint be scheduled. The order further indicated that if at the conclusion of the proof hearing, the Board found grounds to act, it would immediately conduct a hearing regarding aggravating and mitigating circumstances for a determination of the appropriate sanction.

The hearing was scheduled for April 20, 2011. Despite proof that she had been given notice of the hearing both by personal service to her at home and by United Parcel Service, (Exhibit S-1, Certification of Service of an application for a final cease and desist order and for penalties and costs) Ms. Orth did not appear. The hearing then proceeded. The Attorney General presented documentary evidence supporting the allegations of the complaint including S-2, a Memorandum, dated April 11, 2011, in support of the application, which attached a certified Enforcement Bureau Report dated November 29, 2001 detailing respondent's conduct including the unlicensed practice of dental hygiene and proffering false licenses to dentists (Ex. A); 2007 correspondence from John Paul Dizzia, Esq., reporting that Ms. Orth had been terminated from a dental office when it could not be confirmed that she was licensed(Ex. B); and Certification of Jonathan Eisenmenger, Executive Director of the Board that there is no record that Kathryn E. Orth has or has ever had a dental hygiene license issued by the Board (Ex. D).

The proofs accepted into evidence show: a sworn statement of Dr. David J. D'Apolito. D.M.D., stating that on July 23, 2001, respondent appeared at his office in response to his ad in the Star Ledger for a Registered Dental Hygienist, completed an application form, represented that she was a licensed dental hygienist and proffered a false license with the address blocked out (Ex. A-2, A-3 and A-4); a sworn statement of Dr. Gary R. Dornfeld, D.D.S., dated September 24, 2001 stating that he employed Ms. Orth and that he had

been deceived by respondent when she confessed to him that "she does not have a license to practice hygiene in New Jersey" (Ex. A-7); a certified true and accurate copy of respondent's personnel file at Dr. Dornfeld's office which revealed that she checked off having a current registered dental hygienist license (Ex. A-8); a sworn statement of Dr. Richard Evan Goldberg, D.M.D., dated September 25, 2001 stating that respondent appeared at his office for a job interview, provided his office with references and a copy of her current license but with her address blocked out. When respondent was asked as to why her address on the license was blocked out, respondent told his office manager that "she had been harassed by a patient(s) and felt uncomfortable with the address showing." Dr. Goldberg employed Ms. Orth but was "shocked that someone would pose as a hygienist." (Ex. A-10).

Despite having been given notice, respondent has not submitted any information to rebut the allegations of the administrative complaint. The Board finds respondent engaged in unlicensed dental hygiene practice, thus creating a substantial risk of harm to unsuspecting patients and public. Further her proffered false licenses to dentists in order to secure employment constitute fraudulently altering a Board license to practice dental hygiene in violation of N.J.S.A. 45:6-60(d).

Given the findings above, the Board will enter an order directing Ms. Orth to cease and desist from practicing dental hygiene and holding herself out as a dental hygienist. The Board will assess a civil penalty for unlicensed practice and for altering a license issued by the Board to a dental hygienist to

make it appear that respondent was licensed. The Board will not assess costs and attorney's fees.

IT IS THEREFORE ON THIS 5th DAY OF October 2011,

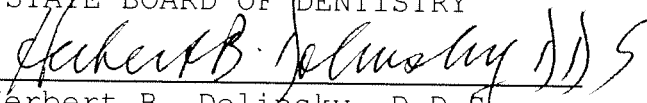
ORDERED:

1. Kathryn Orth shall immediately cease and desist from practicing dental hygiene in the State of New Jersey as well as holding herself out to any person as being a licensed New Jersey dental hygienist.

2. Respondent is hereby assessed a civil penalty in the amount of \$10,000. The penalty shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to to Jonathan Eisenmenger, Executive Director, State Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Newark, New Jersey 07101 not later than December 1, 2011. Failure to submit payment will result in the filing of a certificate of debt.

3. This order shall be served on respondent within 20 days of its entry.

NEW JERSEY STATE BOARD OF DENTISTRY


Herbert B. Dolinsky, D.D.S.
President